

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A**

IN RE: **HORACE ALVIN WALKER**  
Arkansas Bar ID # 82169  
CPC Docket No. 2006-101

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Gary Coulter of Mineral Springs, Arkansas, on July 26, 2006. The information related to the representation of Mr. Coulter in 2001-2005 by Respondent Horace Alvin Walker, an attorney practicing primarily in Little Rock, Arkansas. On September 11, 2006, Respondent Walker was served with a formal complaint, supported by an affidavit from Mr. Coulter.

Gary Coulter suffered a substantial back injury in a collision with a motor home on September 26, 2001, an event in which he was not at fault. He had hired Mr. Walker by October 24, 2001, to represent him. On that date Mr. Walker notified State Farm Insurance of his representation. Mr. Walker gathered medical records and was in frequent correspondence with State Farm into mid-2003. On August 12, 2003, State Farm wrote Walker with a \$20,000 settlement offer. Thereafter Walker failed to either settle the claim or to timely file suit to protect Mr. Coulter. Mr. Coulter had difficulty contacting Mr. Walker after mid-2003 and obtaining information about his claim. On September 1, 2005, Mr. Walker sent Mr. Coulter a copy of his file. On September 26, 2005, Mr. Coulter filed a *pro se* Complaint in Miller County Circuit (No. CV-2005-353-2) against State Farm and the other driver, to try to salvage his claim. He failed, as the court granted a motion to dismiss

his suit with prejudice in December 2005. Mr. Walker's failure to act in a timely and proper manner for Mr. Coulter has cost his client any chance of settlement or recovery for injuries which were serious enough to cause his employer to retire him on disability in mid-2003.

Mr. Walker responded to the Complaint, admitting he had failed to settle Coulter's case when a \$20,000 offer was received, stating his failure to act was due to his recent illness after suffering a stroke or cerebral hemorrhage that negatively affected his ability to function properly.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Walker's conduct violated Model Rule 1.1 in that he failed to provide the legal skill, thoroughness and preparation necessary to settle his client's claim when a \$20,000 offer was received, and thereafter let the statute of limitations run on his claim, causing the client to lose any chance of a recovery. Model Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. Mr. Walker's conduct violated Model Rule 1.2(a) in that it was his client's reasonable objective in the representation Mr. Walker undertook for him that a recovery by settlement be made or suit be filed, and Mr. Walker failed to achieve either objective. Model Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d) and (e), and shall consult with the client as to the means by which they are to be pursued.

C. Mr. Walker's conduct violated Model Rule 1.3 in that he failed to either settle Mr.

Coulter's claim when a \$20,000 offer was received on August 12, 2003, or to file suit before the statute of limitations ran on September 26, 2003, to protect the client's interest. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

D. Mr. Walker's conduct violated Model Rule 1.4 in that he failed to reasonably respond to Mr. Coulter's requests for information during 2003-2005 about the claim Mr. Walker was handling for him, thereby keeping the client from knowing the true status of his claim. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

E. Mr. Walker's conduct violated Model Rule 1.4(b) in that if he had advised Gary Coulter before September 26, 2003, that circumstances and situations not involving Mr. Coulter might cause Mr. Walker to fail to settle his claim or file suit in a timely manner to protect his claim, the client would have had an opportunity to consider employing other counsel to represent the client in the claim and possibly receive the settlement or relief the client sought. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

F. Mr. Walker's conduct violated Model Rule 8.4(d) in that his failure to either settle Mr. Coulter's claim or timely file suit to protect his interests caused him to lose all chance of any recovery on a claim arising from an incident in which he suffered such injury that he was placed on disability retirement by his employer in mid-2003. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that the Arkansas law license of

**HORACE ALVIN WALKER**, Arkansas Bar ID# 82169, be, and hereby is, **SUSPENDED FOR THREE (3) MONTHS** for his conduct in this matter. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The \$50.00 costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON  
PROFESSIONAL CONDUCT - PANEL A

By: \_\_\_\_\_  
Phillip D. Hout, Chair, Panel A

Date: \_\_\_\_\_

(Rev. 3-18-06 SL)